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November 2, 2012

**VIA ELECTRONIC FILING**

The Honorable William C. Griesbach  
U.S. District Court  
Eastern District of Wisconsin  
Green Bay Division  
125 S. Jefferson Street, Room 203  
Green Bay, WI 54301-4541

RE: *United States, et al. v. NCR Corp., et al.*, Case No. 10-CV-0910-WCG

Dear Judge Griesbach:

This letter is submitted on behalf of Defendant NCR Corporation (“NCR”). We are writing with regard to the pending briefing on Plaintiffs’ Motion for Partial Summary Judgment on the Propriety of the Remedy Sought to be Enforced in the Fifth Claim for Relief (Dkt. #508) (the “Motion for Partial Summary Judgment”) and NCR’s Cross-Motion for Summary Judgment on the Fifth Claim for Relief in Plaintiffs’ First Amended Complaint (Dkt. #534) (the “Cross-Motion”).

On October 9, 2012, NCR filed its Memorandum of Law in Opposition to the Motion for Partial Summary Judgment (Dkt. #535). On October 18, 2012, the United States filed its Reply Memorandum in support of its Motion for Partial Summary Judgment (Dkt. #564) (the “Reply”). NCR contends that the United States has raised new arguments in its Reply that were not raised in its Motion for Partial Summary Judgment, and that NCR is therefore entitled to a sur-reply to address those new arguments.

We have conferred with counsel for the United States, and NCR and the United States have agreed that, rather than burden the Court with unnecessary motion practice and duplicative briefing, NCR may respond to any arguments raised in the United States’ Reply as part of the briefing on NCR’s pending Cross-Motion. Accordingly, briefing on the United States’ Motion for Partial Summary Judgment is still pending, and will not be complete until NCR has filed its Reply in support of its Cross-Motion.

Very truly yours,

/s/ Evan B. Westerfield

cc: All counsel of record (via ECF system)